

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

DONALD VITOUX,

Plaintiff,

v.

GALLAGHER ASPHALT CORPORATION,  
and LOWE’S HOME CENTERS, LLC,

Defendants.

CAUSE NO.: 2:20-CV-382-TLS-JPK

**ORDER**

This matter is before the Court on the Defendant’s Motion for Cost/Sanctions Pursuant to Fed. R. Civ. P. 37(a)(5)(A) and Fed. R. Civ. P. 37(b)(2)(A) [ECF No. 43], which was referred to the magistrate judge for preparation of a report and recommendation, *see* ECF No. 47.

Magistrate Judge Kolar entered the report and recommendation on February 22, 2023, and more than fourteen days have passed without any objections being filed. The Court thus reviews the report and recommendation only for clear error. *White v. Sloop*, 772 Fed. App’x 334, 337 (7th Cir. 2019) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). The Court has conducted that review and finds no clear error. Accordingly, the Court ADOPTS the Findings, Report, and Recommendation of United States Magistrate Judge Pursuant to 28 U.S.C. § 636(b)(1)(B) & (C) [ECF No. 51] and DENIES in part the Defendant’s Motion for Cost/Sanctions Pursuant to Fed. R. Civ. P. 37(a)(5)(A) and Fed. R. Civ. P. 37(b)(2)(A) [ECF No. 43]. The magistrate judge will rule on the Motion’s remaining issues by separate order.

SO ORDERED on March 21, 2023.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT